

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION AT COLUMBUS**

ERIC A. SPEIGHTS JR.,

Petitioner,

: Case No. 2:24-cv-3216

- vs -

District Judge Edmund A. Sargus, Jr.
Magistrate Judge Michael R. Merz

THE HONORABLE ANDRIA
NOBLE, et al.,

:

Respondents.

REPORT AND RECOMMENDATIONS

This habeas corpus case, brought *pro se* by Petitioner Eric Speights under 28 U.S.C. § 2241, is before the undersigned upon transfer from The Honorable Chelsey M. Vascura (ECF No. 6) to whom the case was assigned upon its transfer from the United States District Court for the District of Columbia (ECF No. 4). Having granted Petitioner leave to proceed *in forma pauperis*, the undersigned conducted the preliminary review required before ordering an answer in a habeas corpus case and learned from the Franklin County Court of Common Pleas that Petitioner has been convicted upon his guilty plea in both cases¹, sentenced, and conveyed to the Ohio Correctional Reception Center. (See <https://fcdcfjs.co.franklin.oh.us/caseinformationonline/> visited July 16, 2024).

All of Petitioner's claims in his Petition relate to his pretrial confinement which has now

¹ 23 CR 3094 and 23 CR 5737.

ended. This renders his Petition under § 2241 moot because relief cannot be granted under that statute from a conviction. The Sixth Amendment to the United States Constitution guarantees a speedy trial, but such a claim must be brought under 28 U.S.C. § 2254 and only after a petitioner has exhausted all available state court remedies, including direct appeal to the Ohio Tenth District Court of Appeals and to the Ohio Supreme Court and a petition for post-conviction relief under Ohio Revised Code § 2953.21.

Because Petitioner's claims relating to pretrial detention have now become moot, it is respectfully recommended that the Petition be dismissed without prejudice to bringing the speedy trial claim under 28 U.S.C. § 2254 when Petitioner has exhausted state court remedies.

July 17, 2024.

NOTICE REGARDING OBJECTIONS

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to the proposed findings and recommendations within fourteen days after being served with this Report and Recommendations. Because this document is being served by mail, three days are added under Fed.R.Civ.P. 6, but service is complete when the document is mailed, not when it is received. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. A party may respond to another party's objections within fourteen days after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. #

s/ Michael R. Merz
United States Magistrate Judge